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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,762	04/09/2004	Jung Ki Lee	A440-JN	1460

7590

11/15/2005

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EXAMINER

MAGUIRE, LINDSAY MONICA

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/821,762	Applicant(s) LEE, JUNG KI	
	Examiner Lindsay M. Maguire	Art Unit 3634	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 4, 6, 9, 10, 12, 15, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3 & 9 recite the limitation "the surface of the rear end of the board" in claim 3, lines 3-4, and claim 9, lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claims 4, 10, and 15 recite the limitation "the area overlapping the rear end" in claim 4, lines 2-3, claim 10, line 3, and claim 15, line 3. There is insufficient antecedent basis for this limitation in the claim.

Claims 6, 12, and 16 recite the limitation "the area overlapping the top end" in claim 6 lines 2-3, claim 12, line 3, and claim 16, line 3. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 through 16, inasmuch as claims 3, 4, 6, 9, 10, and 12 are best understood (in view of the rejections under 35 USC § 112, as advanced above), are rejected under 35 U.S.C. 103(a) as being unpatentable over Streater U.S. Pat. No. 3,269,556 in view of Ninni U.S. Pat. No. 5,082,125.

Streater discloses a board (as defined in Merriam-Webster as a flat usually rectangular piece of material) of predetermined material (23, 31) having a top and bottom surface, a rear and front edge and a pair of side edges (see Figure 1); a ridge (28) extending upward from along the front edge of the board; at least one divider (36) disposed on the top of the surface of the board having a front hook (column 3, lines 32-36) member (38) disposed towards the front end of the divider that hooks over the ridge; and a rear U-shaped hook (column 3, line 40) member (39) formed at the rear end of the divider for hooking over the rear end of the board (see Figure 1). In addition, the rear edge of the board is straight from one side to the other with the surface (32) of the rear end of the board curved between the top and bottom surface, the rear edge being a rod that is curved along the top surface. The ridge of Streater has a front and back surface and a top end that is curved between the front and back surface (29) in the form of a rod.

The claims differ from Streater in requiring: (a) the divider being slidably engaged to the rear and front surfaces of the board (claim 1, line 7; claim 4, line 3; claim 6, line 3; claim 7, lines 7 & 12; claim 10, line 4; claim 12, line 4; claim 13, lines 7, 10, & 12; claim

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15, line 4; claim 16, line 4); (b) the divider being made of a flat plate (claim 2, line 2; claim 8, line 2; claim 14, line 2).

With respect to (a), Ninni discloses a divider for a display device that is slidably engaged to the rear and front surfaces (column 4, line 57-59), therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Streater for basic reasons such as ease of use and versatility of the device.

With respect to (b), Ninni discloses a divider for a display device made of an elongated flat plate (column 4, lines 8-12), therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Streater for basic reasons such as manufacturability, available materials, durability, etc.

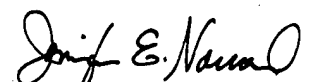
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lindsay M. Maguire whose telephone number is 571-272-6039. The examiner can normally be reached on M-F: 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jennifer E. Novosad  
Primary Examiner  
Art Unit 3634

LMM  
11/8/05